

Subject: Response to Questions on Westpoint Harbor Amendment 7
Date: Tuesday, February 21, 2017 at 4:28:16 PM Pacific Standard Time
From: Mark Sanders
To: Trujillo, Matthew@BCDC
CC: McCrea, Brad@BCDC, David Smith, Mark Sanders

Hello Matthew,

attached is the response to your questions together with attachments.

If you have questions don't hesitate to call,

best regards,

mark sanders
(650) 224-3250

WESTPOINT HARBOR

RECEIVED
FEB 21 2017
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

February 9, 2017

To: Matthew Trujillo, Coastal Analyst, BCDC
From: Mark Sanders, President, Westpoint Harbor LLC
Cc: Brad McCrea, Regulatory Program Director, BCDC
David Smith, Stice Block

Subject: **Your February 6, 2017, Letter regarding Amendment 7 (2002.002.07)**

Hello Matthew;

Thank you for your letter regarding a temporary fence in the Phase 3 area of Westpoint Harbor. You noted that the application included public access decks and a correction regarding the rower's boathouse. The following is provided to clarify these two items and the additional information you requested.

Phase 3 Deck(s)

The decks in the Amendment 7 application are required public access in Phase 3, and not intended to be a new request or additional fill. The objective of Amendment 7 is to satisfy Redwood City safety concerns and allow Phase 3 paths to be opened, and in talking with Brad it seemed appealing to include the decks which are part of the Phase 3 path/boardwalk anyway.

The "*Legal Description of BCDC Public Access in Westpoint Marina*" (filed by BCDC counsel) (a) shows the dimensions and locations of required public access together with "metes and bounds" descriptions. The two decks are included in the 298,000 sf calculation of total public access and not additional fill, and construction details (wood decks with aluminum safety rails) are part of the "*Marina Dock Plans*" (Bellingham Marine Industries 7/28/07) and match existing decks in the harbor. These "retail area" decks attach to the future boardwalk and are unaffected by building footprints and increase available access and add an attractive destination on the path.

Because the decks would delay Amendment 7 we withdraw that part of the application.

Rower's Boathouse

Amendment 7 is not a request for a new rower's boathouse; rather it corrects an error and removes an obvious conflict within the permit and associated documents and drawings. Specifically Amendment 6, Page 4, item 1c correctly removed the rower's boathouse from

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Phase 2 but failed to add it back in Phase 3 as required by the commission. Since the legal instrument, relevant plans and other permit language leave no doubt the rower's boathouse is authorized, it makes sense to fix the discrepancy now and not compound the error. It is included in the total fill calculation and is not additional fill.

The permit always comprehended two boatyard buildings and a separate rowing facility. These buildings are generically called "boathouses", but are quite different and not functionally interchangeable. In 2006 BCDC requested the rower's boathouse move to Phase 3, affording more public exposure and reducing the risks of rowers and paddlers transiting the boatyard. This change was captured in Amendment 3, and the commission expressed its opinion that a rower's facility is an *essential element* and attached the following language in the permit: "IID Boathouse and Rowing Center. *Permittee shall make a good faith effort to create a non-profit corporation ...to meet community needs for a boathouse and rowing center...*"

Further in IIB1 "*...the Commission's Design Review Board reviewed and agreed with the relocation of several buildings herein. These building relocations, shown in the August 7, 2006, Design Review Board Packet, should not change the quantity or quality of public access...*"

Attached for your convenience is Exhibit 6 from that packet showing two boatyard buildings in Phase 2 and the rower's boathouse (with rower's dock) moved to Phase 3. Importantly, the "Public Access Document" (a) the "Westpoint Marina and Boatyard Construction Plans", and the "Westpoint Marina Dock Plans" also show the rower's boathouse relocated to Phase 3.

A previous Amendment 6 error was simply corrected via email (attached) and I suggest the same method be applied here.

Temporary Fence

The initial effort to install a temporary fence and allow the Phase 3 path to open occurred May 2012, and at which time a temporary fence design was agreed to by KSDG (architects) and Ellen Miramontes. The design is included in the October 2012 "Planting and Landscape" drawing package and attached for your convenience (Exhibit D-1.01).

1. Additional Project and Site Information

- **Temporary Fence.** The temporary fence will be two feet away from the edge of the path and enclose the Phase 3 construction area from Seaport Boulevard along the marina and shoreline path to Pacific Shores' property. It will be erected as soon as weather permits. Because it's unlikely all Phase 3 structures can be completed

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simultaneously, the fence may be selectively removed as the path is replaced by boardwalk sections, and the entire fence will be removed by completion of Phase 3 construction, such that public access and public safety are maintained.

- **Decks.** As noted above, we will remove the "Retail Area" deck(s) from Amendment 7 to avoid needless delay. Nonetheless the following answers are provided:
 - Exact deck locations and dimensions are shown in the "Public Access Legal Filings" (a) and align with the "marina greens" shown on the illustrations.
 - Decks cantilever over the riprap as shown on the 2006 DRB drawing package referenced above. The decks have not been constructed and the design will match decks already installed in the harbor.
 - "Retail area" decks serve a variety of uses including observation of rowers, paddlers and kayakers and sitting areas for customers of the coffee shop, restaurant, and boardwalk shops.
 - Decks are included in total fill and public access calculations and not additive.
 - The deck elevation and safety rails preclude their use for small craft.
 - Hours of use for decks necessarily match that of the paths, which in turn matches Pacific Shores Center access hours (access is via PSC).
 - Docks were completed in Phase 1 and no new docks are contemplated.
- **Rower's Boathouse.** Amendment 7 does not propose a new rower's boathouse. The objective is to remove an error such that language within the permit is consistent and matches plans and public access documents as noted above. Other answers to your questions are as follows:
 - The rower's boathouse is entirely upland as shown on the Public Access Plan, DRB architectural drawings and construction drawings.
 - A rower's boathouses generally includes multiple "bays" (large doors) allowing rowing shells to move in and out, with an "apron" between the boathouse and gangway so shells can be maneuvered. Design details will be provided when rower's boathouse plans are submitted for approval in Phase 3.
 - The rower's boathouse will enhance public access from land as well as the Bay, as detailed in correspondence with BCDC at the time the permit was issued. In general it will be operated as a non-profit organization open to all ages and classes of users and able to handle singles, doubles, fours and eights as well as a variety of personal watercraft.

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- As is common, the apron between the boathouse and gangway ramp is crossed by the shoreline path (think of it as a wide part of the boardwalk). As such pedestrian access will be momentarily interrupted as rowing shells move.

2. **Project Plans.** The "Westpoint Marina and Boatyard" construction drawings (3/12/07) apply, and the temporary fence design is in accordance with the attached exhibit.

- **Cost.** Cost of fencing is estimated at \$6,000.
- **Local Government Approval.** Safety fences five feet or less on private property are exempt, with no permits required at the city, county or state level.
- **Environmental Documentation.** The Mitigated Neg-Dec and CEQA mitigation measures include all the structures authorized in the permit.
- **Sea-Level Rise.** Excavated material from the marina basin was used to build the uplands part of the project resulting in final elevations of 110-111, well above projected flood levels with anticipated sea-level rise, and 3 feet higher than nearby Pacific Shores. Decks and boathouse as permitted bring no new sea-level rise implications.
- **Fees and Posting.** Assuming you find the information provided satisfactory I will forward the \$300 permit fee and post the amendment.

Sincerely,

Mark Sanders

(a) IIB1 states "Permittee has already obtained staff approval of, and recorded on title, the legal instrument that fulfills the requirement to permanently guarantee the public access required by this permit (County of San Mateo Document number 2007-124894)"

(b) IIA3 states in case of any discrepancy between final approved plans and special conditions of this authorization or legal instruments approved pursuant to this authorization, the special condition or *the legal instrument shall prevail*. The legal instrument correctly shows the locations of the two boatyard buildings and the rower's boathouse.

LANDS OF THE STATE OF CALIFORNIA
(WESTPOINT SLOUGH)

LANDS OF THE STATE OF CALIFORNIA
(WESTPOINT SLOUGH)

DESIGNED CHANNEL TO
IMPROVE FLOOD

LANDS OF PACIFIC SHORES CENTER

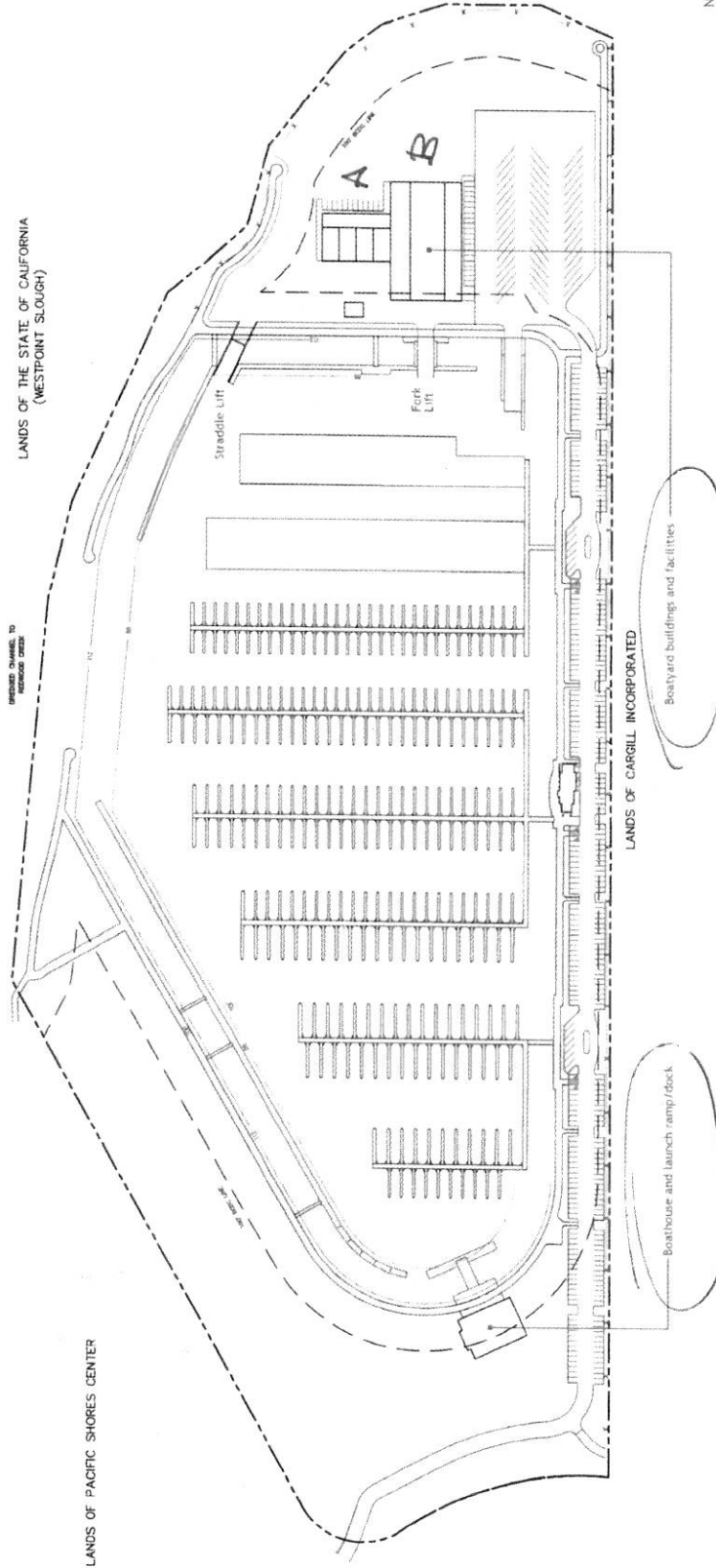


Exhibit 6

Westpoint Harbor

Redwood City, California

August 7, 2006 BCDC Design Review Board, Submittal 20 July 2006

Page 40113

Phase 2 Site Plan



Bolney Consulting

SEE PAGE 9

ROWEL'S BOATHOUSE
 $R=222.00'$
 $L=487.67'$
 $\Delta=125^{\circ}51'45''$

$R=242.00'$
 $L=186.96'$
 $\Delta=44^{\circ}15'54''$

50 0 100
 SCALE IN FEET

SEE PAGE 6

ACCESS
 G

$R=95.25'$
 $L=48.43'$
 $\Delta=29^{\circ}07'47''$

L67

$R=499.00'$
 $L=199.09'$
 $\Delta=22^{\circ}51'33''$

$R=472.83'$
 $L=188.64'$
 $\Delta=22^{\circ}51'33''$

$R=452.83'$
 $L=180.67'$
 $\Delta=22^{\circ}51'33''$

$R=50.00'$
 $L=18.95'$
 $\Delta=85^{\circ}48'53''$

$R=50.00'$
 $L=18.95'$
 $\Delta=85^{\circ}48'53''$

$R=86.17'$
 $L=129.06'$
 $\Delta=85^{\circ}48'53''$

C9

C56

L10

G57

$N86^{\circ}55'42''E 136.00'$

$N86^{\circ}55'42''E 118.00'$

$N86^{\circ}55'42''E 118.00'$

$N86^{\circ}55'42''E 136.00'$

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

C1

L2

$S86^{\circ}55'42''W 2502.43'$

T.P.O.B. Description 1
 $S86^{\circ}55'42''W 11.95'$
 P.O.B. Desc. 1 & 2

BCDC PUBLIC ACCESS

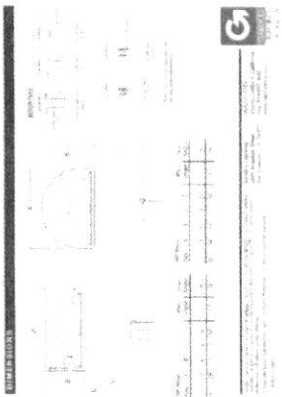
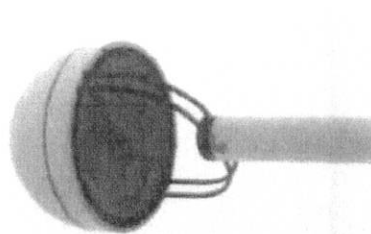
WESTPOINT MARINA AND BOATYARD

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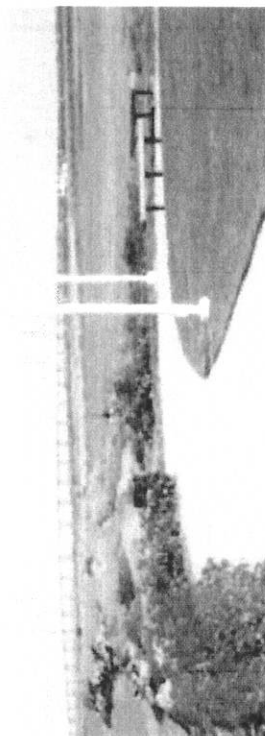
**BOHLEY
 CONSULTING**

1875 SOUTH GRANT STREET, SUITE 550
 SAN MATEO, CA 94402
 650-358-1484 • FAX 650-358-1487

DATE:	05/17/07
SCALE:	1"=50'
DWG:	BCDC\Public Access
JOB No.	99019



Manufacturer's cut-sheet, detail



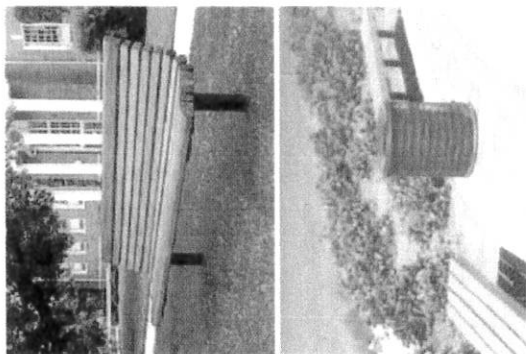
Cardco fixtures at Pacific Shores Center

LIGHTING FIXTURE

CARDCO LIGHTING
FORM 10 ROUND
W/MP POST-TOP MOUNT
Cut-off pole-mount fixture
spacing and pole height

4 LIGHT STANDARD

NOT TO SCALE



Westpoint Harbor to match receptacle at Pacific Shores Center (above).
Home Depot - Commercial Park 32
Gai. Trash Receptacle - Portable.
Diamond Green (right).



RECEPTACLE

NOT TO SCALE

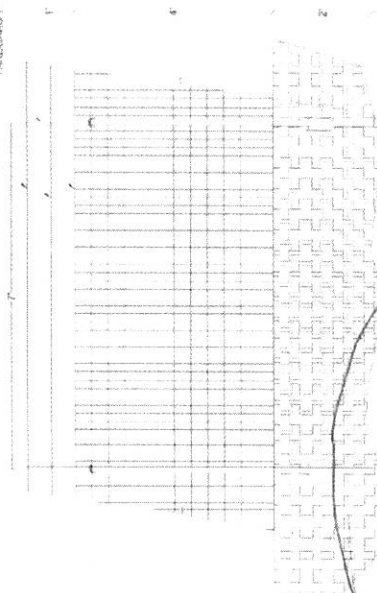
BENCH

NOT TO SCALE

SINGLE FENCE WIRE

YAROGARD & 100 WF) DED WIFE

WARTGARD 1.1" x 1.5" x 7 STEEL POST



③ TEMPORARY FENCING

OFF TO SCALE

GM il

Mark Sanders <mark@westpointharbor.com>

Amendment No. 6 to BCDC Permit No. 2002.002.00

2 messages

Ogata, Gregory@BCDC <gregory.ogata@bcdcc.ca.gov>

Thu, Apr 28, 2016 at 3:58 PM

To: "mark@westpointharbor.com" <mark@westpointharbor.com>

Good afternoon, Mr. Sanders.

While notarizing a new signature for Brad on your "Recorder's Copy", we noticed a small error in the page heading of the permit, in that the amended through date was not changed to the current year, 2016. We are going to resend the entire packet which will include a new BCDC Original, Permittee's Copy, and Recorder's Copy. The issuance date for your permit will still remain April 18, 2016. Once you receive the corrected documents, please discard all of the original materials we sent to you last week.

Everything will be sent tomorrow morning via Fed Ex Overnight, so you should be receiving everything shortly.

I apologize for the mix-up and inconvenience. Please do not hesitate to contact me if you have any questions.

Thank you.

Mark Sanders <mark@westpointharbor.com>

Fri, Apr 29, 2016 at 12:46 PM

To: "Ogata, Gregory@BCDC" <gregory.ogata@bcdcc.ca.gov>

OK

[Quoted text hidden]